

**Draft MEETING MINUTES
CITY OF MILPITAS**

Minutes of:	Regular Meeting of Milpitas City Council
Date:	Tuesday, October 21, 2014
Time:	7:00 PM
Location:	Council Chambers, Milpitas City Hall, 455 East Calaveras Blvd., Milpitas

CALL TO ORDER

Mayor Esteves called the meeting to order at 7:00 PM. The City Clerk noted the roll.

PRESENT: Mayor Esteves, Vice Mayor Polanski, Councilmember Giordano

ABSENT: Councilmembers Gomez and Montano were absent at roll call. Ms. Montano arrived at 6:01 PM. Mr. Gomez arrived in Closed Session at 6:10 PM.

CLOSED SESSION

No announcement reported out of Closed Session.

PLEDGE

Boy Scouts Troop No. 92 presented the flags and led the pledge of allegiance.

INVOCATION

Councilmember Montano offered a prayer to start the meeting.

MEETING MINUTES

Motion: to approve the minutes of October 7, 2014 City Council meeting

Motion/Second: Vice Mayor Polanski/Councilmember Giordano

Motion carried by a vote of: AYES: 5
NOES: 0

SCHEDULE OF MEETINGS

Motion: to approve Council Calendars/Schedule of Meetings for October and November 2014

Motion/Second: Councilmember Giordano/Vice Mayor Polanski

Motion carried by a vote of: AYES: 5
NOES: 0

**ANNOUNCEMENT OF
CONFLICT OF INTEREST
AND CAMPAIGN
CONTRIBUTIONS**

Mayor Esteves announced he would change the order of the agenda for the meeting.

City Attorney Ogaz asked City Councilmembers if they had any personal conflicts of interest or reportable campaign contributions. No conflicts or contributions were reported.

APPROVAL OF AGENDA

Motion: to approve the agenda, as amended

Vice Mayor Polanski requested to move agenda item no. 9 (sale of McCandless site) ahead of the Presentations section of the agenda.

Motion/Second: Councilmember Gomez/Councilmember Giordano

Motion carried by a vote of: AYES: 5
NOES: 0

AGREEMENT

9. Approve Purchase and Sale Agreement for McCandless site

City Manager Tom Williams presented for the Council's consideration the purchase and sale agreement for McCandless property by the Milpitas Unified School District. He reviewed

recent history, including several meetings for negotiation. The purchase price was identified, with a 40 year deed restriction explained, and with a target date for close of escrow later this fall. A joint use agreement would be negotiated in the future for the shared park/playing field space.

Mr. Cary Matsuoka, MUSD Superintendent, was present and made remarks to the City Council. He reviewed a visual display of the ideal configuration of the space for a school on the south east of the site, anticipated to serve up to 800 students in the future.

Comments were made by City Council. Councilmember Montano asked about parking layout at the site. Councilmember Gomez expressed his thanks. Councilmember Giordano thanked the Council subcommittee for its work, since it made her job easy. Vice Mayor Polanski thanked all involved. The Mayor thanked his colleagues on the City Council for a united direction on this matter, with one goal in mind.

Next, Mayor Esteves invited speakers from the audience and there were none.

Motion: to approve a Purchase and Sale Agreement with the Milpitas Unified School District for 6.7 acres of City owned property on McCandless Drive for the construction of a new elementary school and park site

Motion/Second: Councilmember Giordano/Councilmember Gomez

Motion carried by a vote of: AYES: 5
NOES: 0

Mayor Esteves invited MUSD Board President Marsha Grilli, who gave remarks after the vote of approval. The District's Board of Trustees earlier this evening voted to approve the agreement, with hope for much progress for the families and children of Milpitas. She thanked the City Council and the City Manager for their efforts on this agreement.

MUSD Board Vice President Daniel Bobay addressed the Council, about the long process to finally reach tonight, to get to clear the land and build a new school. He thanked Councilmember Gomez specifically for his action in 2008, calling for land for a school.

PRESENTATIONS

Mayor Esteves presented the following:

- Proclaimed October 24, 2014 as *World Polio Day*. Accepted by Rotary Club member Frank DeSmidt.
- Proclaimed October 2014 as *Filipino-American History Month*. Accepted by Garry Barbadillo, Milpitas resident and Planning Commissioner.
- 2014 Neighborhood Beautification Awards to nine Milpitas property owners.

Following the school-city purchase and sale agreement signing and the awards above, a brief celebratory reception was held in the City Hall lobby rotunda. The City Council took a break from the dais and reconvened at 8:05 PM.

PUBLIC FORUM

Mo, a Santa Cruz resident, spoke on behalf of a Milpitas property owner who lived in Santa Cruz. He commented on the fire inspection fee, saying the City charged three times, though most properties were inspected only once. The time of inspection was only about five minutes. If the fee was based on costs, then the City needed to re-assess the cost of the current charges. If it was a tax, then it would need voter approval.

Mayor Esteves invited him to meet with City Manager about this matter.

Robert Marini, Milpitas resident, said during a recent candidate forum the Mayor said that the City was observing state law. He referred to various state of California codes and a past claim he had filed against the city.

ANNOUNCEMENT

Councilmember Giordano mentioned a study session scheduled for November 4, that staff may not be ready for so she would like to revisit that issue. She would like staff to work with Integral to work things out, and then have study session later, if not.

Motion/Second: Councilmember Giordano/Vice Mayor Polanski

Councilmember Gomez announced he would vote no. The study session was scheduled to bring issues to light at the public Council meeting and give some direction to staff.

The vote taken was 4 in favor and 1 opposed (Gomez), so that matter would not be brought on the upcoming November Council agenda.

Vice Mayor Polanski congratulated the Veterans Commission and City staff for the successful Car Show event on last Saturday, October 18. It was a great event and lots of fun for all who came out.

CONSENT CALENDAR

Motion: to approve the Consent Calendar items (noted by *asterisk), as amended

Councilmember Giordano requested to remove agenda Item No. 3 (co-sponsor of BBQ event), at the request of the Chamber of Commerce.

Motion/Second: Councilmember Giordano/Vice Mayor Polanski

Motion carried by a vote of: AYES: 5
NOES: 0

- * 1. Commission reappointment Approved the re-appointment of Christina Driggers as Alternate No. 3 on the Arts Commission to a term that will expire in October 2016.
- * 2. 2015 Meeting Schedule Approved the 2015 regular City Council meeting schedule, including the cancellation of the July 2015 City Council meetings.
- * 4. Resolution Approving Agreement with Cayenta Adopted Resolution No. 8414 approving a consulting services agreement with Cayenta, Inc. as a sole source vendor to implement and upgrade the City's financial and utility systems for a total not-to-exceed \$150,000 and for a term expiring on June 30, 2015.
- * 5. Resolution Annexing Parcels into CFD 2008-1
 - 1) Adopted Resolution No. 8415 annexing real properties located within Final Tract Map No. 10224 into Community Facility District 2008-1.
 - 2) Approved a Subdivision Improvement Agreement between the City of Milpitas and Traverse Partners for public improvements associated with Final Tract Map No. 10224.
 - 3) Approved Fee Credit Agreement between the City of Milpitas and Traverse Partners, LLC for fee credits associated with the TASP park land dedication and 0.73 acres of public park construction.
- * 6. Agreement with HF&H Approved a consultant agreement with HF&H Consultants in the amount of \$48,885; and, approve a budget appropriation from the Solid Waste Fund to the Utility Engineering operating budget.
- * 7. Amendment No. 5 to Agreement with RMC Water Approved Amendment No. 5 to the consultant services agreement with RMC Water and Environment to extend the term from October 31, 2014 to October 31, 2015, for support on the Silicon Valley Rapid Transit Program Berryessa Extension, Project No. 4265 and various City Capital Projects, and related private job reimbursement.
- * 8. Amendment No. 5 to Agreement with Schaaf & Wheeler Approved Amendment No. 5 to the consultant agreement with Schaaf & Wheeler for an additional \$10,000 and extended the term from October 31, 2014 to October 31, 2015 for the Silicon Valley Rapid Transit Program Berryessa Extension, Project No. 4265.

NEW BUSINESS

3. Co-Sponsor Chamber BBQ

Milpitas Chamber of Commerce Board President Liz Ainsworth described the plans for the barbeque event and celebration, with that organization working to improve many aspects of the event for 2015 after last year's experience. She looked forward to partnering with the City again for a successful community event.

Event Chair Carla Kearin addressed the City Council stating that there would be lots and lots of BBQ this year for certain, with more plans for the international emphasis.

Motion: to approve the City of Milpitas' co-sponsorship of the International BBQ and Festival event in the spring 2015 in the amount of \$16,679.77 (total as corrected) and authorize the use of the City's name and logo for promotional and marketing materials and placement of message on City reader board sign and electronic billboard sign on I-880

Motion/Second: Councilmember Giordano/Councilmember Gomez

Motion carried by a vote of: AYES: 5
NOES: 0

JOINT MEETING

CITY COUNCIL, SUCCESSOR AGENCY and HOUSING AUTHORITY

Call to Order

Mayor Esteves called the joint meeting to order at 8:22 PM and all members were present.

Approve Agenda and Consent Calendar

Motion: to approve the joint meeting agenda and the resolution on consent

Motion/Second: Vice Mayor Polanski/Councilmember Giordano

Motion carried by a vote of: AYES: 5
NOES: 0

***HA3. Adopt Joint Resolution**

Adopted Joint Resolution No. 8416 / SA 5 / HA 14 of the City Council, Successor Agency of the Redevelopment Agency, and Milpitas Housing Authority approving the transfer of properties at 751 Vasona Street and 1170 North Park Victoria Drive from Senior Housing Solutions to Milpitas Senior Homes LLC (Charities Housing) and authorizing the City Manager, Successor Agency Executor Director, and Milpitas Housing Authority, or their respective designees, to execute all documents necessary to effectuate the transfer including the operating 15 year grant agreement in the amount of \$459,000 for ongoing maintenance costs.

ADJOURNMENT

Mayor Esteves adjourned the joint City Council meeting at 8:24 PM.

*Meeting minutes respectfully submitted by
Mary Lavelle, City Clerk*